### Manuel Lorenz

# Churning

Das Phänomen der kapitalmarkt- und börsenrechtlichen Spesenschinderei und die Sanktionierung im Straf- und Ordnungswidrigkeitenrecht



## **Churning Schriften Wirtschaftsstrafrecht Manuel Lorenz**

**Manuel Lorenz** 

#### **Churning Schriften Wirtschaftsstrafrecht Manuel Lorenz:**

Churning Manuel Lorenz,2015-08-04 Sowohl der im internationalen Vergleich recht junge Kontakt der deutschen Rechtstheorie und praxis mit dem Ph nomen des Churning als auch die fehlende einschl gige strafgerichtliche Befassung mit dieser Thematik machen die KI rung der Frage erforderlich ob die deutschen straf sowie ordnungswidrigkeitenrechtlichen Vorschriften eine wirksame Handhabe gegen die Spesenschinderei bieten Zu Beginn wird ein kapitalmarkt und b rsenrechtliches Fundament unter Ber cksichtigung der Termin sowie Kassagesch fte gelegt einschlie lich der zentralen Finanzdienstleistungen des Wertpapierhandelsgesetzes Im Anschluss wird das Ph nomen des Churning im Detail beschrieben Den Schwerpunkt der Arbeit bilden folgende Aspekte der Nachweis der Spesenschinderei anhand objektiver und subjektiver Indizien die Pr fung sowohl des Untreue 266 StGB sowie des Betrugstatbestandes 263 StGB die Pr fung der drei Musketiere des Ordnungswidrigkeitengesetzes 9 30 130 OWiG Die Arbeit kommt zu dem Ergebnis dass nicht jeder Fall von Churning vom deutschen Kernstrafrecht erfasst wird und eine Sanktionierung ber das Ordnungswidrigkeitenrecht praktische Vorz ge aufweist Der Praktiker erh It im Anschluss eine Leitlinie in Form einer pr zisen Handlungsanweisung zur Vermeidung des Churning Verdachts Insbesondere werden die Kennzahlen geb ndelt dargestellt ab denen Churning derzeit als indiziert gilt Zudem wird eine f r das schnelle Auffinden hilfreiche Auflistung einschl giger nationaler zivilgerichtlicher Judikate abgebildet

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